

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
FILED

OCT 25 2021

JOSHUA H. JUMBO

Nathan Ochsner, Clerk of Court

Plaintiff,

JURY TRIAL DEMANDED

VS

GOODWILL INDUSTRIES HOUSTON AND

GOODWILL INDUSTRIES INTERNATIONAL

Defendants,

4:21cv3509

PLAINTIFF'S ORIGINAL COMPLAINT

NOW COMES Plaintiff Joshua H. Jumbo and files this Complaint complaining about Defendants Goodwill Industries Houston and Goodwill Industries International.

PARTIES

1. Plaintiff Joshua Jumbo is an individual citizen of the State of Texas.
2. Defendant Goodwill Industries Houston is a Domestic Nonprofit Corporation and may be served through its registered agent of record Steven P. Lufburrow of Goodwill Industries Houston, 1140 West Loop N, Houston, TX 77055-7218 USA.
3. Goodwill Industries International is a Foreign Nonprofit Corporation and may be served through its registered agent of record Registered Agents Inc. 5900 Balcones Dr. Suite 100 Austin , TX 78731 USA.

4. Jumbo had at all material times pertinent hereto discharged and complied with the requirements of his employment with the Defendants.

JURISDICTION

5. The Court has jurisdiction over the lawsuit under 28 U.S.C. 1331 because this is a Federal Question.
6. This action arises under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. Section 1981 as amended by the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of national origin, ethnicity, and retaliation.

NATURE OF ACTION

7. This is an action under Title VII and 42 U.S.C Section 1981 as amended by the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of national origin, ethnicity and retaliation.

CONDITIONS PRECEDENT

8. All conditions precedent have occurred or been complied with:

A charge of discrimination was filed with the Equal Employment Opportunity Commission within three hundred days of the acts complained of herein and Plaintiff's Complaint is filed within ninety days of Plaintiff's receipt of the Equal Employment Opportunity Commission's issuance of a right to sue letter.

A copy of the right to sue letter and the amended charge are attached.

9. The Plaintiff was employed by the Defendants doing business within the territorial jurisdiction of the court.

FACTS

10. Joshua Jumbo is an American citizen with a Nigerian national origin and an African ethnicity.
11. Christopher Hester, Elizabeth Johnson, De'Metreous Lott and Shannon Powers are all African Americans.
12. The Plaintiff was hired as a cashier at the Briargrove store on July 18, 2018.
13. The store is located at 6135 Westheimer Road
Houston, Texas 77057.
Elizabeth Johnson was the Store Manager.
14. Ms. Thoni interviewed and promoted the Plaintiff to a 3rd Key Manager on June 2, 2019.
15. Ms. Thoni was the Area Sales Manager at the time.
16. Ms. Thoni is White.
17. Elizabeth Johnson asked Joshua Jumbo to tell her everything Ms. Thoni had told him during the interview.
18. Joshua Jumbo applied for a Goodwill Industries Houston internally advertised Store Manager position for the Town and Country store on October 19, 2019.
19. The store is located at
10521 Katy Freeway
Houston, Texas 77024.
20. De'Metreous Lott was the Area Sales Manager for the Briargrove store and the Town and Country store locations on October 19 2019.
21. Joshua Jumbo informed Store Manager Elizabeth Johnson of his application on October 21, 2019.

22. Johnson stated that Jumbo should not have applied for the Store Manager position.
23. Johnson stated that she was going to speak to Lott about Jumbo's application.
24. Because of her stated intent to block Jumbo's application, Jumbo forwarded a copy of his application complete with his BBA Degree in Business Administration and Store Manager Certificates from Mobil Oil Corporation, Shell Oil Company, Exxon Oil Company, Valero Oil Corporation and Store Manager Sales Leaders Chart from Dollar General Corporation to Area Sales Manager De'Metreous Lott on October 21, 2019.
25. Jumbo opposed Johnson's discrimination on October 21, 2019.
26. *Jumbo was not even invited for an interview.*
27. Defendants filled the position with someone outside Jumbo's national origin, Nigerian and ethnicity, African.
28. Defendants treated Jumbo differently than his comparator.
29. Jumbo raised the highest Cash Donations in the District for the 2019 Houston Veterans Donations Program.
30. Johnson failed to perform Jumbo's 2019 Annual Performance Review with the intent to conceal this accomplishment.
31. Johnson falsified a cash shortage report against Jumbo on December 9, 2019.
32. Johnson falsified a customer complaint report against Jumbo on January 8, 2020.
33. Assistant Manager Christopher Hester tampered with Jumbo's cash register and caused it to be \$20.10 short on February 25, 2020.
34. Jumbo filed a complaint with Johnson on February 26, 2020.
35. Johnson wrote Jumbo up for the cash shortage on March 6, 2020 and demoted him to a Floor Associate with a decrease in salary on March 7, 2020.

36. Hester was written-up on March 16, 2020 only after Jumbo had filed a complaint on March 9, 2020.

37. Hester was not demoted.

38. Jumbo filed a complaint with the Vice President of Donated Goods Retail, Jim Freeze on March 9, 2020.

39. Johnson falsified a cash shortage report on Jumbo on March 13, 2020 and retaliated against him for filing a complaint with Freeze on March 9, 2020.

40. Jumbo and Hester were similarly situated on February 25, 2020.

41. Defendants treated Jumbo differently than his comparator.

42. Human Resources Manager, Shannon Powers retaliated against Jumbo for filing a complaint against the Defendants with the EEOC.

43. Powers misrepresented the facts when she informed the Texas Workforce Commission that Jumbo was not available for work because of personal reasons.

44. Powers wrongfully terminated Jumbo on August 21, 2020.

45. The Texas Workforce Commission ruled that Jumbo was available for work after a hearing on February 6, 2021.

NATIONAL ORIGIN DISCRIMINATION

46. Johnson knew of Jumbo's national origin and repeatedly mimicked his Nigerian accent.

47. Defendants intentionally engaged in unlawful employment practices involving Jumbo because of his national origin, Nigerian.

48. Defendants discriminated against Jumbo in connection with the compensation, terms, conditions and privileges of employment or limited, segregated or classified Jumbo in a manner that would deprive or tend to deprive Jumbo of any employment opportunity or adversely affect Jumbo's status because of his national origin.

49. Defendants deprived Jumbo of an equal employment that was provided to non-Nigerian employees.

50. Defendants intentionally discriminated against Jumbo with malice or reckless indifference to the federally protected rights of Jumbo because of his national origin in violation of Title VII of the Civil Rights Act of 1964.

ETHNICITY DISCRIMINATION

51. Defendants intentionally discriminated against Jumbo because of his ethnicity in violation of 42 U.S.C. Section 1981.

RETALIATION

52. Defendants unlawfully and continuously retaliated against Jumbo each time Jumbo filed a complaint against Hester and Johnson in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. Section 1981 as amended by the Civil Rights Act of 1991.

RESPONDEAT SUPERIOR

53. Defendants controlled Hester, Johnson, Lott and Powers at all pertinent times, and therefore responsible for their actions within the course of his employment with the Defendants.

DAMAGES


54. As a direct and proximate result of Goodwill Industries Houston and Goodwill Industries International conduct, Jumbo suffered and is entitled to the following under Title VII of the Civil Rights of 1964 and 42 U.S.C. Section 1981 as amended by the Civil Rights Act of 1991:

- a. Back pay;
- b. Front pay;

- c. Compensatory damages including the maximum amount allowed by Title VII of the Civil Rights Act of 1964;
- d. Exemplary and punitive damages;
- e. Attorney fees and legal costs;
- f. Compensation for loss to Jumbo's earning capacity;
- g. Compensation for Jumbo's loss of pension or retirement benefits;
- h. Damage to Jumbo's reputation in the past and future;
- i. Mental anguish and emotional pain and suffering in the past and future;
- j. Inconvenience;
- k. Interest.

WHEREFORE, Joshua Jumbo respectfully prays that Defendants answer this complaint and upon hearing, judgment be rendered in favor of Plaintiff Jumbo.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Joshua H. Jumbo', is written over the typed name and address.

Joshua H. Jumbo
2979 Rolido Drive
No 312
Houston, Texas 77063
281-678-6848
joshuajumbo@ymail.com

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Joshua H. Jumbo**
1701 Jacquelyn Dr
Houston, TX 77055

From: **Houston District Office**
Mickey Leland Building
1919 Smith Street, 7th Floor
Houston, TX 77002



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

460-2020-03703

Elaine White,
Investigator

(346) 327-7654**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Elaine White

Digitally signed by
 Elaine White
 Date: 2021.08.18
 07:48:50 -05'00'

For

August 18, 2021

Enclosures(s)

Rayford O. Irvin,
District Director

(Date Issued)

cc:

Emily Connor
Human Resources
GOODWILL INDUSTRIES HOUSTON
1140 W. Loop N.
Houston, TX 77055

Lowell Keig, Executive Director
Texas Workforce Comm - Civil Rights Division
101 East 15th St., Room 144T
Austin, TX 78778-0001

EEOC Form 5 (11/09)

AMENDED CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC**460-2020-03703****TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

JOSHUA H JUMBO

Home Phone

(281) 678-6848

Year of Birth

Street Address

City, State and ZIP Code

1701 JACQUELYN DR, HOUSTON, TX 77055

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

GOODWILL INDUSTRIES OF HOUSTON INC

No. Employees, Members

501+

Phone No.

(713) 692-6221

Street Address

City, State and ZIP Code

1140 WEST LOOP NORTH FREEWAY, HOUSTON, TX 77055

Name

No. Employees, Members

Phone No.

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

11-21-2019 08-21-2020☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

On March 7, 2020, I was demoted from my position as Third Key Manager to Floor Associate which resulted in a reduction in my salary. The reason for my demotion is because my drawer was short \$20.10 on February 25, 2020. On February 25, 2020, I made a report directly to my Store Manager Elizabeth Johnson (African American) that my Assistant Manager Christopher Hester (African American) had been in my cash register without my knowledge. I asked for an investigation and I wanted the cameras to be reviewed concerning Assistant Manager Christopher Hester getting into my register on the day in question. To my knowledge, no investigation was ever completed.

I believe my demotion is discriminatory because of my National Original (Nigerian), Ethnicity (African), and in retaliation for filing a previous discrimination complaint with HR on my Store Manager Elizabeth Johnson.

Back on October 19, 2019, I applied for a Goodwill Store Manager position. On October 21,

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Digitally signed by Joshua Jumbo on 09-17-2020
02:08 PM EDT**

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Form 5 (11/09)

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FEPA



EEOC

460-2020-03703**TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION**

and EEOC

State or local Agency, if any

2019, I informed Store Manager Elizabeth Johnson of my application. She immediately told me I should not have applied for the position because a Third Key Manager could not jump to a Store Manager position. Since I have extensive store management experience and education I knew that I was more than qualified for the position. I immediately forwarded a copy of my certificates from multiple corporations to the Area Sales Manager and I filed a formal complaint with HR Manager Shannon Powers indicating that I was being discriminated against because of my National Origin (Nigerian). I was not even given consideration of an interview because my Store Manager Elizabeth Johnson blocked my application.

After filing my complaint with HR, I have been written up on at least four different occasions for frivolous situations. Prior to filing my complaint, I had never written up since starting my employment with Goodwill in July 2018.

I believe that I was retaliated against for engaging in a protected activity and discriminated against because of my National Origin (Nigerian) and Ethnicity (African), in violation of Title VII of the Civil Rights Act of 1964, as amended.

AMENDMENT:

On May 26, 2020, I advised HR Manager Shannon Powers of my risk factors regarding the Covid-19 virus. Ms. Powers furloughed me until further notice based on my health and safety concerns. On May 29, 2020, Store Manager Elizabeth Johnson left me a voicemail that she had scheduled me to work on June 1st. I reminded her that I was furloughed. On May 31st, Ms. Johnson called and requested me to sign a leave of absence ('LOA') document. I reminded her I was furloughed. On June 12th Ms. Powers asked me to return to work or sign a LOA document. I informed Ms. Powers that my risk factors remain the same. Ms. Powers placed me on a two month LOA effective June 17th. Ms. Powers misrepresented the facts when she informed TWC that I was not available for work because of personal reasons. I had good cause to refuse an offer of work from Goodwill Houston on June 12th. I was available for work. On August 7th and August 13th, I requested an extension of time on my LOA. Ms. Powers changed the effective date of my LOA and repeatedly misrepresented the facts in this claim and retaliated against me for filing an EEOC charge on May 6, 2020. On August 21, 2020, Ms. Powers wrongfully terminated me in further retaliation for filing the above EEOC charge.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Digitally signed by Joshua Jumbo on 09-17-2020
02:08 PM EDT**

NOTARY - *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)